

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 14-259
Rural Broadband Experiment	)	
	)	
	)	
Petition for Waiver and Request for	)	WC Docket No. 10-90
an Extension of time in which to file	)	
Letter of Commitment and Letter of	)	
Credit	)	

**PETITION FOR LIMITED WAIVER  
AND  
REQUEST FOR AN EXTENSION OF TIME**

Wichita Online, Inc. (WOI), hereby petitions the Commission, pursuant to Section 1.3 of the Commission's rules<sup>1</sup>, for a limited waiver of the Commission's deadline within which WOI must submit a letter of commitment from an acceptable bank pursuant to the Commission's Broadband Experiments Order.<sup>2</sup> In support of its Petition, WOI states the following:

On December 5, 2014, the Wireline Competition Bureau released a list of 37 entities provisionally selected as winning bidders for rural broadband experiment support.<sup>3</sup> WOI was one of the entities provisionally selected as a winning bidder for the FCC Broadband Experiments funding. WOI was able to secure a Letter of Commitment to issue the Letter of

---

<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> In the Matter of Connect America Fund, WC Docket No. 10-90; ETC Annual Reports and Certifications, WC Docket No. 14-58, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-98, rel. July 14, 2014.

<sup>3</sup> See Wireline Competition Bureau Announces Entities Provisionally Selected for Rural Broadband Experiments; Sets Deadlines for Submission of Additional Information, WC Docket No. 10-90, Public Notice, DA 14-1772 (Wireline Comp. Bur. Rel. Dec. 5, 2014)

Credit from Arvest Bank; a regional financial institution with over \$15 billion in assets and branches located in multiple states. Arvest Bank is listed as a top 100 financial institution. During preliminary discussions with the bank, inquiries were made as to its rating, and WOI was under the understanding that it met the Commission's requirements for institutions issuing a Letter of Credit. WOI submitted the Letter of Commitment to the Commission on February 2, 2015, which was within the original deadline established by the Commission.

In accordance with the Commission's Broadband Experiments Order, the Commission contemplated that selected entities would have flexibility in how they structure these arrangements. Moreover, the Commission acknowledged that provisionally selected bidders would be free to submit a commitment letter from one bank and subsequently submit a Letter of Credit from a different issuing bank.<sup>4</sup>

On June 3, 2015, WOI was informed by the Commission that Arvest Bank's rating did not qualify under the Commission's rules and subsequently caused WOI's Letter of Commitment from Arvest Bank, submitted to the FCC on February 2, 2015, to not qualify. The disallowance of the Commitment Letter provided by the Bank also affected the deadline for submission of a qualifying Letter of Credit.

WOI has been in contact with staff at the Commission and Arvest Bank attempting to resolve this issue. Though those discussions, WOI has discovered that Arvest Bank uses a correspondent bank, JP Morgan Chase, with whom WOI is now working in conjunction with Arvest Bank under which JP Morgan Chase will issue a new Letter of Commitment and if accepted by the Commission, a Letter of Credit. JP Morgan Chase will be issuing the letters of

---

<sup>4</sup> Wireline Competition Bureau Reminds Provisionally Selected Rural Broadband Experiments Bidders of Letter of Credit Requirements, WC Docket No. 10-90, Public Notice (rel. Jan. 23, 2015).

commitment and credit on our behalf. WOI respectfully requests that the Commission allow it until July 9th, 2015, to have JP Morgan Chase, a qualified and nationally recognized banking institution per the Commission's guidelines to issue a new Letter of Commitment and Letter of Credit to WOI.

Accordingly, in light of Wichita Online's diligence and demonstration of its best efforts to comply with the Commission's post-selection procedures, and the circumstances set forth above, Wichita Online, Inc., respectfully requests that the Commission grant it a limited waiver of the deadline to submit a qualifying Letter of Credit in order to submit qualifying documentation from a qualifying financial institution in accordance with Commission rules.

Respectfully submitted,

WICHITA ONLINE

By:   
\_\_\_\_\_  
RON COMINGDEER, OBA #1835  
KENDALL PARRISH, OBA#15039  
RON COMINGDEER & ASSOCIATES  
6011 N. ROBINSON  
Oklahoma City, OK 73118  
(405) 848-5534  
[hunter@comingdeerlaw.com](mailto:hunter@comingdeerlaw.com)  
[kparrish@comingdeerlaw.com](mailto:kparrish@comingdeerlaw.com)

Filed: June 9, 2015